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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,621	10/24/2003	Jukka Alve	4208-4143 (Nokia 28764)	7186
85775 7590 02/05/2010 Locke Lord Bissell & Liddell LLP Attn: IP Docketing Three World Financial Center New York, NY 10281-2101				
EXAMINER				
SHEER, CRISTINA O				
ART UNIT		PAPER NUMBER		
3685				
NOTIFICATION DATE		DELIVERY MODE		
02/05/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com

Office Action Summary

Application No.

10/691,621

Applicant(s)

ALVE, JUKKA

Examiner

CRISTINA SHERR

Art Unit

3685

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6-8, 12-14, 16, 18-22, 25-37 and 39-53 is/are pending in the application.
- 4a) Of the above claim(s) 22, 25-37 and 39-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-8, 12-14, 16, 18-21, 52 and 53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/25/08, 11/03/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to Applicant's Amendment filed October 13, 2009. Claims 1, 2, 6-8, 12-14, 16, 18-22, 25-37, and 39-53 are pending in this case. Claims 3-5, 9-11, 15, 17, 23-24, 38, and 54 were previously canceled. Claims 1, 2, 6, 7, 13, 22, 25-29, 36-37, 39-48, and 51-53 are currently amended. Claims 22, 25-37, and 39-51 are withdrawn, pursuant to a Requirement for Election/Restriction. Accordingly, claims 1, 2, 6-8, 12-14, 16, 18-21, and 52-53 are under examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 13, 2009 has been entered.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on October 25, 2008 and November 3, 2009 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Response to Arguments

4. Applicant's arguments with respect to the claims, as currently amended, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 7, 8, 12, and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. Regarding claims 7, 8, 12, and 13 –

8. Claims 7, 8, 12, and 13 recite a computer program only. "Computer programs claimed as computer listings per se, *i.e.*, the descriptions or expressions of the programs, are not physical 'things.' They are neither computer components nor statutory processes, as they are not 'acts' being performed." MPEP §2106.01 I. Because the claim(s) recite only abstractions that are neither "things" nor "acts," the claim(s) are not within one of the four statutory classes of invention. Because the claims are not within one of the four statutory classes of invention, the claims are rejected under 35 U.S.C. §101.

9. In this case, claim 7 recites a communications interface, a module in the communications interface, and a second communications interface, all of which are reasonably interpreted as software only.

10. Therefore, independent claim 7 and its dependent claims 8 and 12 are rejected under 35 U.S.C. §101.

11. Further, independent claim 13 recites means for receiving, means for transmitting, and means for decrypting all of which are reasonably interpreted as software only.

12. Therefore, independent claim 13 is rejected under 35 U.S.C. §101.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1, 2, 6-8, 12-14, 16, 18-21, and 52-53 are rejected under 35

U.S.C. 102(b) as being anticipated by Stefik et al (US 5,638,443).

15. Regarding claim 1 –

16. Stefik discloses:

(a) receiving at a communications device from a first remote device superdistributed content encrypted with a content key; (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

(b) transmitting by the communications device a request for the content key to a second remote device, the second remote device authorized to act on behalf of a provider of the content and possessing the content key encrypted with a public key of the second remote device; (fig 17, col 26 ln 17-60, col 28 ln 44-65)

(c) receiving at the communications device from the second remote device an encrypted version of the content key, wherein the encrypted version of the content key is encrypted with a public key of the communications device; and (col 27 ln 24-47, col 28 ln 50-55)

(d) decrypting at the communications device the encrypted version of the content key with a private key of the communications device, the private key of the communications

device corresponding to the public key of the communications device. (col 27 ln 50-col 28 ln 65).

17. Regarding claim 2 -

18. Stefik discloses wherein said transmitting step comprises transmitting the public key of the communications device to the second remote device. (col 27 ln 35-47, col 28 ln 45-58).

19. Regarding claim 6 -

20. Stefik discloses receiving at the communications device one or more usage rules from the first remote device, wherein the usage rules correspond to the content; (col 31 ln 5-10)

transmitting by the communications device the one or more usage rules to the second remote device; (col 31 ln 18-65, col 34 ln 35-40)

receiving at the communications device one or more modified usage rules from the second remote device; and (col 34 60-67, col 35 25-35)

associating at the communications device the one or more modified usage rules with the content. (col 35 ln 15-20, col 37 ln 1-15).

21. Regarding claims 7, 13, and 14--

22. Stefik discloses a device, (col 13 ln 25-30) comprising:

a first communications interface in a communications device adapted to receive from a first remote device superdistributed content encrypted with a content key; (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

a module in the communications device adapted to decrypt an encrypted version of the content key with a private key of the communications device; and (fig 17, col 26 ln 17-60, col 28 ln 44-65)

a second communications interface in the communications device adapted to
(a) transmit a request for the content key to a second remote device, the second remote device authorized to act on behalf of a provider of the content and possessing the content key encrypted with a public key of the second remote device, and (fig 17, col 26 ln 17-60, col 28 ln 44-65)

(b) receive from the second remote device an encrypted version of the content key, wherein the encrypted version of the content key is encrypted with a public key of the communications device, the public key of the communications device corresponding to the private key of the communications device. (col 27 ln 24-47, col 28 ln 50-55)

23. Regarding claims 8 and 16 –

24. Stefik discloses wherein the request includes the public key of the communications device. (col 27 ln 35-47, col 28 ln 45-58).

25. Regarding claim 12 –

26. Stefik discloses wherein the first communications interface is further adapted to receive one or more usage rules from the first remote device, the usage rules corresponding to the content; and (col 31 ln 5-10)

wherein the second communications interface is further adapted to transmit the one or more usage rules to the second remote device; and to receive one or more modified usage rules from the second remote device. (col 34 60-67, col 35 25-35)

27. Regarding claim 18 –

28. Stefik discloses wherein the authorized agent is further adapted to provide to the communications device the content key encrypted with a public key of the communications device. (col 27 ln 24-47, col 28 ln 50-55)

29. Regarding claim 19 –

30. Stefik discloses a content distributor. (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

31. Regarding claim 20 –

32. Stefik discloses wherein the remote device receives the content item from the content distributor. (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

33. Regarding claim 21 –

34. Stefik discloses wherein the communications device, the remote device, and the authorized agent communicate with each other across one or more wireless communications networks. (col 14 ln 44-50).

35. Regarding claim 52 –

36. Stefik discloses:

(a) receiving at a communications device from a first remote device superdistributed content encrypted with a content key and a first usage rule for the content; (e.g. col 13 ln 32-52, col 19 ln 42-55, col 20 ln 40-62, col 43 ln 37-67, col 44 ln 40-64, col 45 ln 10-55)

(b) transmitting by the communications device a request for the content key and said first usage rule to a second remote device, the second remote device authorized to act on behalf of a provider of the content; (fig 17, col 26 ln 17-60, col 28 ln 44-65)

(c) receiving at the communications device from the second remote device an encrypted version of the content key and a modified usage rule for the content, wherein the encrypted version of the content key is encrypted with a public key of the communications device; and (col 34 60-67, col 35 25-35)

(d) decrypting at the communications device the encrypted version of the content key with a private key of the communications device, the private key of the communications device corresponding to the public key of the communications device. (col 27 ln 50-col 28 ln 65).

37. Regarding claim 53 –

38. Stefik discloses wherein:

said content key is received at the communications device from the second remote device after having been received at the second remote device encrypted with a public key of the second remote device. (fig 17, col 26 ln 17-60, col 28 ln 44-65).

Conclusion

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

41. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRISTINA OWEN SHERR
Examiner
Art Unit 3685

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685